

REMARKS

Further examination and reconsideration of the subject application, in view of the remarks below, are respectfully requested.

Status of Claims

Claims 1-42 are pending in the application. Of these, only claims 1-10 and 14-22 are currently under consideration. Claims 11-13 stand withdrawn for being directed to non-elected species, and claims 23-42 stand withdrawn for being directed to a non-elected invention.

Claim Rejection – 35 U.S.C. §§ 102(e)/103(a)

In the Office Action, claims 1-10 and 14-22 were rejected under 35 U.S.C. § 102(e) as being anticipated by or, in the alternative under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,444,758 to McNamara et al. ("McNamara"). For the following reasons, this rejection should be withdrawn.

McNamara does not disclose or suggest each feature of the presently elected invention. For example, McNamara does not disclose or suggest a block copolymer comprising a hard segment derived from a linear polymer where the hard segment is a polyester. In this regard, Applicants note the assertion in the Office Action that McNamara discloses an end-capped block copolymer of polyethylene glycol and polyester, citing Example 1. However, Example 1 does not disclose a polyester. Component (A) in the copolymer of Example 1 is derived from either MPEG or PEG, component (B) is derived from dimethylolpropionic acid [2,2-bis(hydroxymethyl)propionic acid (BMPA)], and the lipophilic terminal group is derived from a long-chain alkylcarboxylic acid (LCA) listed in Table 1. Col. 22, lines 5-14. None of these copolymer components is a polyester.

Moreover, McNamara's Example 1 does not disclose or suggest an acid end-capping reagent having an acid functionality of at least two. As noted above, the terminal group is derived from an LCA listed in Table 1. None of these have more than one acid functionality. While McNamara notes that dicarboxylic acids may be used at

col. 6, lines 57-58, this is not exemplified, and there is no particular suggestion or motivation in the reference to pick an acid end-capping reagent having an acid functionality of at least two.

Further, McNamara does not disclose or suggest a block copolymer end-capped with 0.01 to 5 wt% of an end-capping reagent. In Example 1 of McNamara, the ratio of the terminal group is 4 times that of component (A), and 2 or 3 times that of component (B). Thus, it cannot be said that the copolymer in Example 1 contains 0.01 to 5 wt% of an end-capping reagent.

From the above, it is clear that McNamara does not disclose or suggest each feature of the presently elected claims. Accordingly, there's no *prima facie* case of obviousness, much less one of anticipation. Therefore, the rejection should be withdrawn.

Conclusion

In summary, Applicants believe the application to be in condition for allowance. Accordingly, the Examiner is respectfully requested to reconsider the rejection(s), remove all rejections, and pass the application to issuance.

Respectfully submitted,

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